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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,618	10/24/2003	Bruce Williams	061270-0877	7223
22428	7590	03/22/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			GARRETT, ERIKA P	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/691,618

Applicant(s)

WILLIAMS ET AL.

Examiner

Erika Garrett

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-30 and 59-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-30 and 59-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-24, 26-30 and 59-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Newhouse (5,997,080). Newhouse discloses the use of a seat portion (10) including a base (28) having a seating surface; and a object holder (12), wherein the object holder includes a receptacle for receiving objects (14); wherein the object holder is moveable to a storage position (fig. 2); and wherein the receptacle is partially under the seating surface in the storage position. In regards to claims 22,29 and 60, the object holder is pivotally (fig. 4) attached to the base. In regards to claims 23 and 61, the object holder includes an extension (24) slidably connected to the base and positioned under the seating surface. In regards to claims 24 and 62, the extension includes a slot (25), and the base includes a post (22) positioned in the slot to limit a sliding motion of the object holder. In regards to claims 26 and 28, the object holder is configured so that when the object holder is moved under the seating surface a portion of the object holder remains accessible, thereby providing a gripping surface (34). In regards to claim 27, a seating surface on a base, a object holder; wherein the object holder is attached to an extension slidably connected to the base and positioned under

the seating surface; and wherein the object holder is adapted to be partially retracted under the seating surface in a storage position. In regards to claim 30, the base includes a post (22) positioned in a slot (24) in the object holder. In regards to claim 59, further comprising a seating surface on the base; and an object holder movably attached to the base to move between an extended, in use position and a retracted storage position; wherein when the object holder is in the retracted, storage position, a first portion of the holder extends beyond the outer surface of the base and a second portion of the object holder does not extend beyond the outer surface of the base, figures 1 and 4.

Claims 21-22,25-26,28-29,59-60 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Shafer (5,358,307). Shafer discloses the use of a seat portion (10) including a base (21) having a seating surface; and a object holder (60), wherein the object holder includes a receptacle for receiving objects (66); wherein the object holder is moveable to a storage position (fig. 4); and wherein the receptacle (61) is partially under the seating surface in the storage position. In regards to claims 22,29 and 60, the object holder is pivotally (fig. 5) attached to the base. In regards to claims 25 and 63, a second object holder (30) attached to the base. In regards to claims 26 and 28, the object holder is configured so that when the object holder is moved under the seating surface a portion of the object holder remains accessible, thereby providing a gripping surface (64). In regards to claim 59, further comprising a seating surface on the base; and an object holder movably attached to the base to move between an extended, in use position and a retracted storage position; wherein when the object holder is in the

retracted, storage position, a first portion of the holder extends beyond the outer surface of the base and a second portion of the object holder does not extend beyond the outer surface of the base, figures 4-5.


### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to child seat: U.S Pat. No. US005520436A, US005586804A, US006145931A, 4883317, US005967602A, US006390547B1, US006520575B1, US005195711A, US005248183A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 703-605-0758.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG  
March 16, 2004

  
Peter M. Cuomo  
Supervisory Patent Examiner  
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